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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,345	.02/01/2002	David Dean Rowley	23415-012	7596

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EXAMINER
HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

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	Application No.	Applicant(s)
Office Action Summary	10/060,345	ROWLEY ET AL.
	Examiner	Art Unit
	Chanda L. Harris	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*01 February 2002*</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☒ Claim(s) *7,47 and 48* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4.5* .	6)☐ Other: .

DETAILED ACTION

Information Disclosure Statement

The electronic documents listed on Paper No.4 (1-3) and Paper No.5 (H-K) are not

considered because they are in improper format. See MPEP 707.05(e) for the proper

citation of electronic documents.

Specification

1.   The use of the trademark UNIX has been noted in this application. It should be

capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

2.   The disclosure is objected to because of the following informalities: "IT" should

be defined upon first use (e.g. Information Technology (IT)).

Appropriate correction is required.

Claim Objections

Claims 7, 47, and 48 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form and pay any

necessary additional fees.

- The computer classroom system does not further limit the exercise launcher of

   Claim 1. Claim 7 is directed to a computer classroom system and Claim 1 is

   directed to an exercise launcher.

- The computer signal embodied in a carrier wave readable by a computing system

   and encoding a computer program of instructions for executing a computer process

   does not further limit the computer implemented methods of Claims 21 and 27.

   Claims 47 and 48 are directed to a computer signal and Claims 21 and 27 are

   directed to a computer-implemented method.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7,9-12, 14-19, 21-25, 27-32, 34-38, 40-45, and 47-48, are rejected under

35 U.S.C. 102(b) as being anticipated by Papadopoulos (US 6,099,320).

1. [Claims 1,7,21,34,47]: Regarding Claims 1,7, 21, 34, and 47, Papadopoulos

discloses a user interface (i.e. VIP directory) that functions to display a list of classroom

exercises (i.e. training modules or training courses), wherein each classroom exercise is

associated with one or more virtual machines (e.g. Virtual Interactive Player, different

applications, courses) and enables a student to select a classroom exercise and

indicate that the student would like to perform the selected exercise. See Col.4: 65-67,

Col.5: 11-12, and Col.8: 1-25. Papadopoulos discloses determining means (i.e. Virtual

Interactive Player) for determining the one or more virtual machines (i.e. courses) with

which the selected classroom exercise (i.e. training module) is associated and a virtual

machine launcher (i.e. CD slot of the VIP) that launches the virtual machines with which

the selected classroom exercise is associated in response to the student indicating that

the student would like to perform the selected exercise. See Col.4: 65-Col.5: 12 and

Col.8: 13-34. Papadopoulos discloses a computer program product (i.e. CD ROM,

floppy disk) in FIG. 15.   A computer signal would have been an inherent feature of

Papadopoulos' invention.

2. [Claims 2,9,22,35]: Regarding Claims 2,9, 22, and 35, Papadopoulos discloses

wherein the determining means comprises means for accessing a classroom database

(i.e. data storage) that stores the names of the classroom exercises and associates

each name (i.e. course title) with one or more virtual machine identifiers (i.e. CD ROM

that carries the course title). See FIG.15 and Col.8: 26-36.

3. [Claims 3,10,23,36]: Regarding Claims 3,10, 23, and 36, Papadopoulos discloses

wherein the determining means (i.e. VIP) further comprises means for determining the

one or more of the virtual machine identifiers which the name of a selected classroom

exercise is associated. See Col.4: 65 – Col.5: 12 and Col.8:26-29.

4. [Claims 4, 11, 18, 24, 31, 37,44]: Regarding Claims 4,11, 18, 24, 31, 37, and 44,

Papadopoulos discloses wherein each one of the one or more virtual machines with which the selected classroom exercise is associated comprises a set of virtual machine files and wherein said set of VM files consists of one or more files (i.e. files on a virtual CD ROM). See Col.8: 26-34.

5. [Claims 5,12,19, 25, 32,38,45]: Regarding Claims 5,12, 19, 25, 32, 38, and 45, Papadopoulos discloses wherein each set of VM files comprises, at the least, a virtual disk file (i.e. a virtual CD ROM). See Col.8: 26-29.

6. [Claim 8]: Regarding Claim 8, Papadopoulos discloses a virtual machine platform (i.e. Windows NT™) for supporting virtual machines; and one or more virtual machines (e.g. the VIP). See Col.7: 8-22.

7. [Claims 14,27,40,48]: Regarding Claims 14,27, 40, and 48, Papadopoulos discloses means (i.e. VIP) for determining the name of a course that is available to be installed onto the classroom computer, wherein the course is associated with one or more classroom exercises (i.e. training modules or training courses) and each classroom exercise is associated with one or more virtual machines (e.g. Virtual Interactive Player, different applications, courses), wherein each virtual machine is associated with a set of VM files (i.e. VIP directory). See Col.4: 65-67, Col.5: 11-12, and Col.8: 1-25. Papadopoulos discloses means (i.e. VIP directory) for displaying the name of the course to a user of the system. See Col.8: 1-7. Papadopoulos discloses means (i.e. mouse, keyboard) for enabling the user to select the course and to indicate that the user wishes to install the course on the classroom computer (i.e. training station) and means for receiving an indication that the user wishes to install the course on the classroom

computer. See Col.8: 26-36 and FIG. 15. Papadopoulos discloses means (i.e. VIP

Directory) for determining the names of the one or more classroom exercises. See

Col.8: 1-13. Papadopoulos discloses a means for (i.e. authoring station) storing the

course name and the names of the one or more classroom exercises in a database (i.e.

data storage) that is accessible to the classroom computer, wherein the course name

(i.e. course title) is associated with the classroom exercises names so that by knowing

the course name one can retrieve from the database the names of the one or more

classroom exercises. See FIG. 15 and Col.8: 26-34. Papadopoulos discloses means

(i.e. VIP Directory) for determining a VM (e.g. course) that is associated with one of the

one or more classroom exercises. See Col.8: 1-25. Papadopoulos discloses means

(i.e. authoring station) for storing in a storage device the set of VM files belonging to

said determined VM, wherein the storage device is accessible to the classroom

computer. See FIG.15. A computer signal would have been an inherent feature of

Papadopoulos' invention.

8. [Claims 15,28,41]: Regarding Claims 15,28, and 41, Papadopoulos discloses means

(i.e. authoring station) for storing a VM identifier in the database, wherein said VM

identifier identifies said determined VM. See FIG.15. Papadopoulos discloses a

computer program product (i.e. CD ROM, floppy disk) in FIG.15.

9. [Claims 16,29,42]: Regarding Claims 16,29, and 42, Papadopoulos discloses

wherein the name of the classroom exercise with which said determined VM is

associated is associated with said VM identifier (i.e. course title) stored in said database

so that by knowing said name of classroom exercise one can retrieve from the database

said VM identifier, See Col.8: 13-34.

10.[Claims 17, 30, 43]: Regarding Claims 17,30, and 43, Papadopoulos discloses

wherein said VM identifier (i.e. course title) can be used to locate said set of VM files

stored on said storage device. See Col.8: 26-34.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 6,13,20,26,33, 39, and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Papadopoulos in view of Nowlin, Jr. (US 5,953,536).

[Claim 6,13,20,26,33,39,46]: Regarding Claims 6,13,20,26,33, 39, and 46,

Papadopoulos does not disclose expressly a suspended state file. However, he does

disclose courses that are unavailable (and hence, suspended) until the student has

completed the prerequisite course: Upon completion of the prerequisite course, the

course becomes available for access automatically. Moreover, Nowlin, Jr. teaches a

suspended state file (i.e. suspended application) in Col.6: 27-31. Therefore, at the time

of the invention, it would have been obvious to one of ordinary skill in the art to

incorporate a suspended state file into the method and system of Papadopoulos, in light

of the teaching of Nowlin, Jr. in order to allow power management to occur.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Bullen (US 6,033,226)

  -operator training system

- Harned et al. (US 6,594,466)

  -virtual machine

- Erturk et al. (US 6,135,776)

  -virtual machines

- Ho et al. (US 5,743,743)

  -virtual drivers

- Daniels et al. (US 5,310,349)

  -virtual school

- Ceretta et al. (US 6,370,355)

  -computer-based training

- Slattery et al. (US 6,514,085)

  -virtual classroom

- Pellegrino et al. (US 6,149,441)

  -computer-based educational system

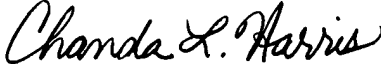- Slider et al. (US 6,505,031)

  -virtual school

- Rajkumar (US 2003/0061260)

    -suspended state file

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris
Examiner
Art Unit 3714

ch.